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FULBRIGHT & JAWORSKI LLP
666 FIFTH AVENUE
NEW YORK, NEW YORK 10103-3198

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**SPECIAL PROGRAMS OFFICE
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In re Application of
TAKASHI YASHIMA
Application No. 08/787,850
Filed: January 23, 1997
Attorney Docket No. KIT 257 JEL/RSMG

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ON PETITION

This is a decision on the petitions under 37 CFR 1.183, filed July 2, 1999, to waive 37 CFR 1.313(b) and under 37 CFR 1.313(b) to withdraw the above-identified application from issue.

The petitions are dismissed.

Any request for reconsideration must be filed within two months of the mailing date of this decision on petition. If no request for reconsideration is filed, this application will be returned to Publishing Division for processing into a patent.

Petitioner requests that this "application be withdrawn in the interests of justice because an inadvertent translation mistake was discovered after the payment of the fee." Petitioner states that although an amendment under 37 CFR 1.312 was filed to correct the translation error, entry of the amendment was denied by the Examiner on the grounds that it changed the scope of the affected claims.

The petition does not comply with any of the conditions under 37 CFR 1.313(b) for withdrawing this application from issue. Further, the mere fact that a translation error was discovered after payment of the issue fee does

not constitute an extraordinary reason why this case should be withdrawn from issue. In this regard, since the Examiner has already indicated that the 37 CFR 1.312 amendment would not be entered, no useful purpose would be served by now withdrawing this application from issue. The mere withdrawal of this application from issue would not compel the examiner to now enter the 37 CFR 1.312 amendment. Accordingly, it would not be proper to suspend the rules and withdraw this case from issue at this time.

However, petitioner may wish to consider filing a renewed petition under 37 CFR 1.183 and 37 CFR 1.313(b) for the purpose of abandonment of the instant application in favor of a continuation application under either 37 CFR 1.53(b) or 37 CFR 1.53(d), at which time, petitioner may present amendments seeking to correct translation errors in the specification and claims for consideration by the Examiner.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By HAND: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, Virginia 22202

Telephone inquiries concerning this matter may be directed to Frances Hicks at (703) 305-8680.



Brian Hearn
Special Projects Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects